

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

FILED

15 APR 24 PM 2:10

United States of America  
v.

Case No.

3:15MJ137  
Magistrate Judge  
Michael J. Newman

Luis Antonio Miranda-Picado  
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 04/20/2015 in the county of Montgomery in the  
Southern District of Ohio, the defendant(s) violated:

*Code Section*

*Offense Description*

8 U.S.C. 1326 (a)(1) and (2)

Previously removed alien re-entered U.S.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 04/24/2015

City and state: Dayton, Ohio

  
Complainant's signature

DO Brandon Bowyer, ICE  
Printed name and title



  
Judge's signature

Michael J. Newman, U.S. Magistrate Judge  
Printed name and title

A F F I D A V I T

I, Brandon Bowyer, being duly sworn, do hereby depose and say:

1. I am a Deportation Officer ("DO") with the United States Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"). I have been a DO with ICE, formerly known as the Immigration and Naturalization Service ("INS"), since May 2012. Prior to working as a DO for ICE, I worked as an Immigration Enforcement Agent ("IEA") with ICE, from July 2007 to May 2012. I am currently assigned to the Cincinnati Enforcement and Removal Operations Unit.

2. This affidavit is made in support of a criminal complaint and arrest warrant for Luis Antonio MIRANDA-PICADO ("MIRANDA-PICADO"), charging him with violating Title 8, United States Code, Sections 1326(a)(1) and (a)(2): Illegal Alien Found in the United States Following Deportation. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses. This affidavit is intended to show that there is probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of, or investigation into, this matter.

3. On April 20, 2015, MIRANDA-PICADO, a previously deported criminal alien, was arrested by the Dayton Police Department, in the Southern District of Ohio, for disorderly

conduct. MIRANDA-PICADO was brought into ICE administrative custody on or about April 22, 2015, pursuant to an immigration detainer that was placed by affiant. On April 20, 2015, affiant placed the detainer on MIRANDA-PICADO as part of his routine assigned duties to interview suspected criminal aliens at the Montgomery County Jail.

4. On April 22, 2015, I reviewed ICE computer indices for DHS A-File XXX-XXX-819, which is maintained for the subject alien "Luis Antonio MIRANDA-PICADO." The computer indices contain, among other things, the following information:

a. Photographs of the alien subject to whom DHS A-File XXX-XXX-819 corresponds. I compared these photographs to the ICE booking photograph of MIRANDA-PICADO taken on or about April 22, 2015. These photographs depict the same person. Thus, I determined that the computer indices for DHS A-File XXX-XXX-819 and its contents correspond to MIRANDA-PICADO.

b. ICE computer indices indicate that MIRANDA-PICADO was officially removed/deported from the United States on or about October 8, 2004.

c. ICE computer indices indicate that MIRANDA-PICADO was officially removed/deported from the United States on or about January 26, 2007.

d. ICE computer indices indicate that MIRANDA-PICADO was officially removed/deported from the United States on or about January 25, 2012.

e. ICE computer indices indicate that MIRANDA-PICADO was officially removed/deported from the United States on or about April 4, 2012.

f. Various documents, in addition to the Warrants of Removal/Deportation, indicate that MIRANDA-PICADO is a native and citizen of Costa Rica. These documents include: (i) a copy of the Summary Order of the Immigration Judge dated September 2, 2004, ordering MIRANDA-PICADO removed to Costa Rica; (ii) a Costa Rican identification card with MIRANDA-PICADO's photograph and signature; and (iii) a sworn statement from MIRANDA-PICADO on April 22 2015, stating that he was born in Costa Rica, is a citizen of Costa Rica, admits to being removed from the United States, and admits to illegally reentering the United States.

5. On April 22, 2015, I reviewed the printouts of ICE computer indices for MIRANDA-PICADO. Based on my training and experience, I know that the ICE computer indices track and document each time an alien is deported from the United States by ICE (or INS) or is granted permission to enter or re-enter the United States. The ICE computer indices confirmed that MIRANDA-PICADO had been removed and deported on the dates previously indicated above. The ICE computer indices further indicated that

MIRANDA-PICADO had not applied for or obtained permission from the Attorney General of the United States or his designated successor, the Secretary of Homeland Security, to re-enter the United States legally since MIRANDA-PICADO had last been deported.

6. Based on my review of MIRANDA-PICADO's case information, I determined that ICE computer indices does not contain any record of him ever applying for, or receiving permission from, the Attorney General of the United States or his designated successor, the Secretary of Homeland Security, to legally re-enter the United States. Based on my training and experience, I know that such documentation is required to re-enter the United States legally after deportation, and that if such documentation existed, it would ordinarily be found in MIRANDA-PICADO's case information.

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7. Based on the foregoing facts, there is probable cause to believe that MIRANDA-PICADO has violated Title 8, United States Code, Sections 1326(a)(1) and (a)(2): Illegal Alien Found in the United States Following Deportation.

  
Brandon Bowyer  
Deportation Officer ICE

Subscribed and sworn to before me on this 24th day of April, 2015.

  
HONORABLE MICHEAL NEWMAN  
UNITED STATES MAGISTRATE JUDGE

The seal is circular with a blue ink stamp. The outer ring contains the text "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF OHIO" at the bottom, separated by two stars. The center of the seal features an eagle with spread wings, perched on a shield. Below the eagle, the words "FOR THE" are visible.